



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary L. Gastineau *et al.*

Appl. No. 09/536,663

Filed: March 27, 2000

For: Determining Intra-Day Net Asset Value  
Proxy of an Actively Managed Exchange  
Traded Fund

Art Unit: 3621

Examiner: Greene, Daniel L.

Atty. Docket: 00322.0008.NPUS00

# 11/5  
2-13-04  
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**Reply and Amendment Under 37 C.F.R. § 1.116**

Box: After Final  
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Washington, D.C. 20231

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Sir:

**GROUP 3600**

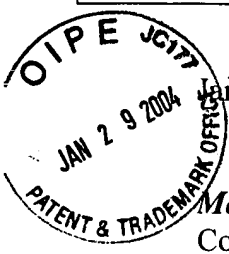
In response to the Office Action dated December 30, 2003, (PTO Prosecution File Wrapper Paper No. 8), Applicant submits the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00322.0006.NPUS00.

AF/3621



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January 29, 2004

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Non-Provisional Patent Application No. 09/536,663  
Filed: March 27, 2000  
For: **Determining Intra-Day Net Asset Value Proxy of  
an Actively Managed Exchange Traded Fund**  
Inventors: Gary L. GASTINEAU et al.  
Our Ref: 00322.0008.NPUS00

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Reply Under 37 C.F.R. § 1.116; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment to our Deposit Account No.08-3038 referencing docket number 00322.0008.NPUS00. If extensions of time under 37 C.F.R. § 1.136 are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned. *A duplicate copy of this letter is enclosed.*

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)  
Michael J. Stimson (Reg. No. 45,429)

Enclosures